

JUNE 1995

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of VIRGINIA

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Denial of Payment for New Admissions: Describe the criteria (as required at §1919.6(a)(2)(A)) for applying the remedy.

XXX Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

 Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

§1. Denial of payment for new admissions. The Commonwealth shall:

- A. Deny payment for new admissions, or
- B. Impose civil money penalties of \$50-\$3,000 per day, or
- C. Impose both of these remedies

when there are widespread deficiencies that constitute no actual harm with a potential for more than minimal harm but not immediate jeopardy, or one or more deficiencies that constitute actual harm that is not immediate jeopardy. As set forth by 42 CFR §488.417 (1995), the Commonwealth shall deny payment for new admissions when a NF is not in substantial compliance three months after the last day of the survey identifying the noncompliance, or the survey agency has cited a NF with substandard quality of care on the last three consecutive, standard surveys. As set forth by 42 CFR §488.417, the Commonwealth shall have the authority to deny payment for all new admissions when a facility is not in substantial compliance. For the purposes of this regulation, a new admission shall be defined as a resident who is admitted to the facility on or after the effective date of a denial of payment remedy and, if previously admitted, has been discharged before that effective date. Residents admitted before the effective date of the denial of payment, and taking temporary leave, are not considered new admissions, nor subject to the denial of payment. Also for the purposes of this regulation, substantial compliance shall mean a level of compliance with the requirements of participation such that any identified deficiencies pose no greater risk to resident health or safety than the potential for causing minimal harm.

§2. Denial of payment for substandard quality of care on last three surveys. As set forth by 42 CFR §§488.414 and 488.417 (1995), if a facility is found to have provided substandard quality of care on the last three consecutive standard surveys, regardless of other remedies

IN	96-07	Approval Date	OCT 30 1995	Effective Date	10 2 96
No.					
Supersedes					
IN	NA				
No.					

HCFA ID:

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provided, the Commonwealth shall deny payment for all new admissions and shall impose state monitoring until such facility demonstrates to the satisfaction of the Commonwealth that it is in substantial compliance with all requirements and will remain in substantial compliance with all requirements.

- §3 The Commonwealth shall have the authority to deny payment for new admissions for any deficiency except when the facility is in substantial compliance.

TN	96-07	Approval Date	10 2 96	Effective Date	10 2 96
No.			10 2 1996		
Supersedes					
TN	N A			HCFA ID:	
No.					
